

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
ALLIED CONTRACTORS, INC.,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 194

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

This matter, the appeal of a \$50.00 civil penalty for an alleged violation of respondent's Regulation I, came before the Pollution Control Hearings Board (Walt Woodward, hearing officer) at a formal hearing in the Seattle offices of respondent at 11:00 a.m., November 13, 1972.

Appellant did not appear. Respondent appeared through its counsel, Keith D. McGoffin. Shirley Marshall, Seattle court reporter, recorded the proceedings.

The hearing officer caused a telephone call to be made to appellant and it was reported that appellant contended he had no notice of the

1 hearing. The hearing officer, saying that the file on this matter shows
2 that the Pollution Control Hearings Board served notice of the hearing
3 on appellant by certified mail, directed respondent to make formal proof.

4 A witness was sworn and testified. Two exhibits were offered and
5 admitted.

6 From the record, the Pollution Control Hearings Board prepared
7 Proposed Findings of Fact, Conclusions and Order which were submitted
8 to the appellant and respondent on December 21, 1972. No objections or
9 exceptions to the Proposed Findings, Conclusions and Order having been
10 received, the Pollution Control Hearings Board makes and enters the
11 following:

12 FINDINGS OF FACT

13 I.

14 On August 14, 1972, at 4808 Auburn Way North, Auburn, King County,
15 appellant caused a fire to burn 12 feet in diameter and containing 40
16 percent scrap lumber. Notice of Civil Penalty No. 403, the subject of
17 this appeal, was served on appellant in the amount of \$50.00.

18 II.

19 Appellant had a permit from the Auburn Fire Department, said permit
20 stating that the burning of scrap lumber is a violation of respondent's
21 Regulation I.

22 From these facts, the Pollution Control Hearings Board comes to
23 these

24 CONCLUSIONS

25 I.

26 Appellant violated respondent's Regulation I in Auburn, King

1 County, on August 14, 1972.

2 II.

3 The attendant civil penalty of \$50.00, being one-fifth of the
4 maximum allowable amount for a violation, is reasonable.

5 Therefore, the Pollution Control Hearings Board makes this

6 ORDER

7 The appeal is denied and Notice of Civil Penalty No. 403 is
8 affirmed and appellant is directed to pay the imposed civil penalty of
9 \$50.00.

10 DONE at Olympia, Washington this 6th day of February, 1973.

11 POLLUTION CONTROL HEARINGS BOARD

12 Walt Woodward
13 WALT WOODWARD, Chairman

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15 W. A. GISSBERG, Member

16 James T. Sheehy
17 JAMES T. SHEEHY, Member

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26 FINDINGS OF FACT,
27 CONCLUSIONS AND ORDER